

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

File No: HA-3767
180-Day Exp. Date: September 25, 2016

August 26, 2016

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Use Application (CDUA) HA-3767 for a Single Family Residence and Related Improvements

**APPLICANT/
LANDOWNER:** Kenneth Church

LOCATION: Wailea, South Hilo, Hawai'i

**TAX MAP KEYS
(TMKs):** (3) 2-9-003:060 and portion of 029

AREA OF PARCEL: 2.252 and 1.1163, respectively

USE: 4,649 square feet

SUBZONE: Resource

DESCRIPTION OF AREA/CURRENT USE

The entire project area is located in the Resource Subzone of the state Land Use Conservation District (see Exhibit 1). Access to the area is provided by a 30-foot wide road and utility easement which runs a distance of approximately 360 feet east from Hawai'i Belt Road.

The subject area is bounded on the south and makai (east) side by the edge of a high pali (ranging between 100 to 140 feet above mean sea level) which is characteristic of the Hilo-Hāmākua Coastline. The area is bounded on the north side by Puahanui Stream and is bounded on the west side by four (4) other properties.

The area consists of undeveloped lands formerly used for sugar cane cultivation. The area remained fallow until 1992, after which it was maintained in grass with a few areas of landscape plantings. The topography of the area gently slopes to the eastern end of the property with the exception of the steep pali on the makai side, as well as a steep gulch slopping down to Puahanui Stream. Soils in the project area are classified as Hilo silty clay loam with 0 to 10 percent slopes (HoC) by the U.S Department of Agriculture Soil Conservation Services Soil Survey. The Hilo series consists of well drained silty clay loams formed in a series of volcanic ash layers.

Under the Agricultural Lands of Importance to the State of Hawai'i (ALISH) classification system, the subject area is designated prime agricultural lands, consistent with the fact that the area was formerly utilized for sugar cane production.

According to the Flood Insurance Rate Map (FIRM), the subject area is situated in Zone X; areas determined to be outside the 500 year flood plain. The project area is not located within a tsunami evacuation area.

A General Botanical Survey and Vertebrate Fauna Assessment was conducted for the site. The survey found that of the 94+ species detected, four species were indigenous and none were endemic. No threatened or endangered plant species as listed by the U.S. Fish and Wildlife Service appear to be present on the property, nor are there any critical habitats.

The avifaunal survey found that out of the ten bird species observed during the survey, all of them were non-native. However, it is expected that the migratory Golden Plover (*Pluvialis fulva*) may be occasionally present during its residence in Hawai'i from August to April. The area is also utilized by the endemic Hawaiian Hawk (*Buteo solitaries*). Additionally, it is possible that small numbers of the endangered endemic Hawaiian Petrel (*Pterodroma sandwichensis*) and the threatened Newell's Shearwater (*Puffinus auricularis newelli*) over-fly the property between the months of May and November. Although not detected in the survey, the Hawaiian Hoary Bay (*Lasiurus cinereus semothus*) may be present in the general area.

The Archaeological Inventory Survey (AIS) and Limited Cultural Assessment found no evidence of traditional Hawaiian remains or evidence that the area is currently being accessed for the exercise of traditional and customary practices. One historic era site was recorded. The site contains two features associated with the Hāmākua Division of the Hilo Railroad – Hawai'i Consolidated Railway and were recorded in the northwestern portion of the subject area. One is a possible section of railroad grade and the other is a railroad trestle abutment. No further work is recommended as the site was documented in detail.

There is currently an existing municipal water line located along the existing paved access road. There is no electricity or municipal wastewater service provided to the property.

BACKGROUND INFORMATION:

The subject parcels, as well as Parcel 13, were previously owned by James and Francine McCully. In 2007, the McCullys applied for a Conservation District Use Permit (CDUP) to construct a single family residence (SFR) on Parcel 29 (CDUP HA-3448) which was approved on March 28, 2008 by the Board of Land and Natural Resources (Board). The SFR was never built. In 2014, the McCullys sold all three (3) parcels to the current landowner, Mr. Kenneth Church.

On April 24, 2015, Mr. Church was also granted a CDUP Departmental Permit (HA-3735) for the consolidation and resubdivision of his three (3) parcels with a restriction on Parcel 29 limiting the maximum developable area to 3,500 square feet.

In 2015, Mr. Church applied for a Site Plan Approval (SPA) to construct a 1,200 square foot storage and processing shed on Parcel 29. On August 28, 2015, Mr. Church was granted approval from the Board to construct a 750 square foot storage shed with a condition that the structure shall not be used for any residential purposes nor for rental or any other commercial purposes unless approved by the Board.

PROPOSED USE

As stated earlier, the project area is owned by Mr. Kenneth Church and is comprised of lands that were once used in agricultural production, but are currently vacant and undeveloped. The landowner is proposing to construct a 4,649 square foot single family residence (SFR) on Parcel 060 (see Exhibit 2). The SFR is a single story structure, comprised of two bedrooms, two and a half baths, a living room area, a laundry room, covered lanai areas, a bale with a hot tub, a carport, a 500 square foot swimming pool, and a 40 square foot detached outdoor cooking structure. The proposed SFR is a slab on grade construction with an elevation of approximately 22.3 feet (see Exhibit 3 and 4).

There is no municipal wastewater service to the property. A below ground septic tank and associated leech field absorption bed will be located to the south of the proposed SFR (see Exhibit 5). The septic system will be gravity fed negating the need for any electrical pumping. Approximately 60 cubic yards of material is expected to be displaced by the installation of the system. Any excavated soil will be used to help with site leveling for the proposed SFR or for the construction of the access road. Municipal water will be provided via the existing waterline that runs along the existing paved access road. Electricity will be provided via solar energy, batteries, and a stand-by generator. No more than 30 roof top solar panels will be installed. The panel dimensions are approximately 42 inches wide by 76 inches long.

As mentioned earlier, access to the property is via an access road off of Mamalahoa Highway that leads to Parcel 029. From that point, the landowner is proposing to create another road (approximately 300 feet long) that leads to a turnaround area fronting the carport and SFR on Parcel 060 (see Exhibit 5). Construction of the road and turnaround area will involve first spraying the area to kill the grass, followed by cutting the grass/sod layer. The disturbance area for the roadway will be approximately 12 to 14 feet wide (road area only, not including turn around area) and 700 square feet for the turnaround area. The sod layer will be removed to a depth of 2 to 4 inches. The sod will be placed in areas surrounding existing trees and plants. After the sod removal, the roadway will be roto-tilled to depth of approximately 6 inches. 4 inches of crushed rock will then be applied and again roto-tilled.

During construction, the landowner is also proposing a staging area on Lot 60 where the proposed turnaround fronting the carport would be located. The staging area would include a temporary storage/construction container (10 foot wide by 40 foot long shipping container) as well a waste disposal container, a generator, a cement mixer, gravel stockpile, table saws, construction materials, and other construction related tools as needed. Once construction is complete, all material associated with the staging area will be removed.

While no archaeological resources were discovered, should any artifacts or remains be uncovered during the course of construction, work will immediately cease and SHPD notified.

As recommended in the 2014 updated Biological Assessment prepared for the project, a hawk nest search will be conducted by a UH Hilo biologist or other qualified biologist in March of the first year of the project, during which land clearing would be conducted.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application, as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

State Agencies:

DLNR, Division of Aquatic Resources

DLNR, Division of Conservation and Resource Enforcement

State Agencies (Continued):

DLNR, Division of Forestry and Wildlife
DLNR, Historic Preservation Division
DLNR, Hawai'i District Land Office
Department of Health
Office of Hawaiian Affairs

County Agencies:

County of Hawai'i, Department of Planning

Other Individuals/Organizations:

In addition, this application was also sent to the nearest public library, the Hilo State Public Library, to make this information readily available to those who may wish to review it.

Comments were received by the following agencies and summarized by Staff as follows:

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Aquatic Resources:

No comments

Division of Forestry and Wildlife:

No comments

Engineering Division:

Comments: The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designate Flood Hazard. The owner or the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool.

The National Flood Insurance Program establishes the rules and regulations of the NFIP. The NFIP Zone X is a designation where there is no perceived flood impact. Therefore, the NFIP does not regulate and development within a Zone X designation.

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be restrictive.

Land Division:

Comments: Please note the DLNR, Land Division does not regulate the use of private lands. If you have not already done so, we suggest you contact the Hāmākua Water and Soil Conservation District through the Natural Resources conservation Service.

Applicant's response: The landowners has contacted the NRCS Hilo Service Center who explained that they offer a voluntary program in which they would conduct an on-site review of the parcels and assist the landowner to be a good steward of the agricultural use of the property. The landowner plans on contacting the NRCS once he has returned to the islands.

DEPARTMENT OF HEALTH

Environmental Planning Office:

Comments: EPO strongly recommends that you review the standard comments and available strategies to support sustainable and health design available on our website. Projects are required to adhere to all applicable standard comments. EPO also encourages you to examine and utilize the Hawai'i Environmental Health Portal which provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawai'i Emergency Response Exchange, Hawai'i State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warning, Advisories, and Postings.

We advise that, if appropriate, the Hazard Evaluation and Emergency Response (HEER) Office's Site Discovery and Response (SDAR) Section be contacted. The SDAR Section protects human health and the environment by identifying, investigating, and remediating sites contaminated with hazardous substances.

In order to better protect health and the environment, the U.S. Environmental Protection Agency (EPA) has developed a new environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to utilize this tool in planning your project.

Applicant's Response: The landowner has reviewed the standard comments and available strategies and will incorporate reasonable required strategies to the applied land use. Further, the HEER office was contacted as suggested by your Office, however, it appears that it is unlikely that there are any hazards on the subject properties. Your requests have been noted and the tools you have provided will be utilized and incorporated in the planning of this project.

Office of Environmental Quality Control:

Comments: We understand this Draft EA was prepared by the landowner/applicant. We were able to discern most of the required content elements for EAs, codified in Section 10 of HAR, Chapter 11-200. However, missing from the Draft EA is the Significance analysis, as described in Section 11-200-12. Corresponding to elements (8) & (9) of the EA content requirements, a narrative discussion of each of the 13 listed significance criteria must be included in the Final EA, along with a statement of the anticipated agency determination (either a Finding of No Significant Impact or, theoretically, an Environmental Impact Statement Preparation Notice). While the individual significance criterion may seem repetitive with other aspects of the EA, the Significance analysis is a critical and necessary element of the environmental review process.

Applicant's Response: The Significance Analysis discussion will be included in the Final EA.

COUNTY OF HAWAI'I

COUNTY OF HAWAI'I PLANNING DEPARTMENT

Comments:

We note the following:

1. *We concur with the State Land Use Designation of Conservation and the County General Plan Land Use Pattern Allocation Guide Map (LUPAG) designation of Open. However, although*

County Zoning is Agricultural (A-20a), the Conservation Districts are governed by the Department of Land and Natural Resources.

2. *It is in the Special Management Area (SMA). On April 21, 2016, a SMA Use Permit Assessment Application was submitted for the construction of the SFR.*
3. *As the project location is over 100 feet from the top of the coastal pali, no improvements are proposed in the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes.*
4. *In 1.5.3 Listing of Permits and Approvals, please note that Plan Approval for the proposed project is not required. Although listed twice, building permits and grading permits are only issued by the Department of Public Works.*

INDIVIDUALS

Robin Rudolph:

Comments: I noticed that there was only one native plant present, the "popo berry bushes." The extensive agriculture from the late 1800's until 1992 has changed the original environment into one primarily dominated by introduced plants. I was curious if there might be any efforts to plant native species and/or remove invasive ones? I feel that the different impacts and mitigation to resources are sufficient in maintaining or improving the proposed location. What was the predominant crop of agriculture during the 1900's and what legacies might that have left?

Applicant's Response: The landowner plans to address the planting of native species and the removal of invasive ones over time, however, there is a fear that it may bring more attention to the properties and the DLNR/OCCL may take a more active interest in scrutinizing the future use of the properties.

As for previous agricultural uses on the property, 3.2 acres of the property was formerly used for the production of sugar cane. Currently the area is maintained as mowed grass with a few coconuts, banana, and bread fruit trees scattered around the property. The landowner believes that no legacies were left behind as the property appears to have been used as a seed development plot by the sugar cane company and thus access would have been highly restricted.

ANALYSIS

Following review and acceptance for processing, the Applicant was notified, by correspondence dated March 29, 2016 that:

1. The proposed project is an identified land use within the Conservation District, pursuant to Hawai'i Administrative Rules (HAR) §13-5-24, *Identified land uses in the resource subzone, R-7 SINGLE FAMILY RESIDENCE (D-1) A single family residence that conforms to the design standards as outlined in this chapter.* The proposed use requires a Board Permit.
2. Pursuant to HAR §13-5-40 HEARINGS, a Public Hearing will not be required.
3. In conformance with Chapter 343, Hawai'i Revised Statutes (HRS), as amended, and HAR, Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, an Environmental Assessment (EA) for the project has been prepared and a Finding of No Significant Impacts (FONSI) is anticipated for the proposed project;
4. The subject area is within the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawai'i's Coastal Zone Management law (Chapter

205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. Negative action on this application can be expected should you fail to obtain and provide us, at least forty-five (45) days prior to the 180-day expiration date, one of the following:

- An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
- An official determination that the proposed development is outside the SMA; or
- An SMA Use Permit for the proposed development.

The Final EA/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the July 8, 2016 edition of the Office of Environmental Quality Control's *The Environmental Notice*.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The proposed use is an identified land use in the Resource subzone of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR.

No rare, threatened or endangered plant or animal species or significant habitats are known to exist on the subject property. No Archaeological and cultural resources have been identified on the property.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Resource subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. The proposed land use is an identified land use that can be applied for pursuant to §13-5-22, HAR. The proposed SFR shall be built to comply with all Federal, State and County regulations and shall be constructed in accordance with Chapter 13-5, Exhibit 4 Single Family Residential Standards.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The project area is located within the Special Management Area (SMA). The applicant received a SMA determination letter from the County of Hawai'i, Planning Department which stated that the proposed project is not considered "Development" as defined in Chapter 205A-22, HRS and

Planning commission Rule 9 relating to Special Management Area. However, the proposed land use complies with following Coastal Zone Management guidelines as follows:

- (1) *Recreational Resources:* The nearest recreational resource in the vicinity of the project site is Kole Kole Beach Park, located approximately 1,200 feet to the south of the property. As the proposed project is an SFR, no recreational resources are anticipated to be impacted as a result of the proposed project.
 - (2) *Historic Resources:* As mentioned earlier, the AIS and Limited Cultural Assessment prepared for the subject properties found no evidence of traditional Hawaiian remains or evidence that the area is currently being accessed for the exercise of traditional and customary practices. One historic era site was recorded. The site contains two features associated with the Hāmākua Division of the Hilo Railroad – Hawai‘i Consolidated Railway and were recorded in the northwestern portion of the subject area. One is a possible section of railroad grade and the other is a railroad trestle abutment. No further work is recommended as the site was documented in detail.
 - (3) *Scenic and Open Space Resources:* The property does not present any unique scenic or open space resource. The property is screened from Hawai‘i Belt Road by the adjacent Orchidworks greenhouse building. Further, the SFR is screened from its neighbors by a number of large trees as well as Kolekole Gulch to the north.
 - (4) *Coastal Ecosystems, (6) Coastal Hazards, (9) Beach Protection, & (10) Marine Resources:* The proposed project will use BMPs during construction and uncovered areas will be replanted as soon as reasonably possible to prevent erosion and to minimize any potential erosion which could be released into a stream or beach during a heavy rain event. Sewage will be disposed of in accordance with the requirements of the State Department of Health (DOH). The septic tank and leach field are located down-slope and to the south of the proposed SFR and over 226 feet away from the pali, therefore, limiting the potential for discharge into near-shore waters.
 - (7) *Managing Development & (8) Public Participation:* As a part of this permit process, the State and County agencies, as well as the public was notified of this application and was given the opportunity to comment.
- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff believes the proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region provided that mitigative measures are implemented and the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard that the project may cause. Short-term impacts associated with construction activities such as potential noise and air quality are anticipated, however BMPs shall be implemented to mitigate any potential impacts.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff is of the opinion that the proposed project will be compatible with the locality and surrounding areas and is appropriate to the physical conditions and capability of the specified parcel.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The site does not contain unique features either topographically or geologically. Although a structure will exist where no structure existed before, the proposed SFR does not encompass the entire property. In addition, the SFR is screened from the general public as the property is bordered by Kolekole gulch to the north and the existing Orchidworks green house building and large trees to the west,

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff believes the proposed land use will not be materially detrimental to the public health, safety and welfare as mitigated. With the incorporation of an appropriately designed and operated individual wastewater system, combined with other BMPs identified, the proposed residential land use will not result in materially detrimental impacts to public health, safety and welfare.

CULTURAL IMPACT ANALYSIS:

In *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, 94 Haw. 31 (2000), the Hawai‘i Supreme Court laid out a framework for assessing cultural impacts. An assessment must include:

- (1) The identity and scope of “valued cultural, historic, or natural resources” in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) The extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and
- (3) The feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist.

As discussed earlier, the AIS and Limited Cultural Assessment found no evidence of traditional Hawaiian remains or evidence that the area is currently being accessed for the exercise of traditional and customary practices. One historic era site was recorded. The site contains two features associated with the Hāmākua Division of the Hilo Railroad – Hawai‘i Consolidated Railway and were recorded in the northwestern portion of the subject area. One is a possible section of railroad grade and the other is a railroad trestle abutment. No further work is recommended as the site was documented in detail.

As such, staff concurs with the applicant’s assessment that there will be no impact to traditional and customary uses in the area. However, should any historic remains be discovered during land disturbing activities, work will stop and SHPD immediately contacted.

DISCUSSION

The proposed 4,649 square foot SFR is of slab on grade construction consisting of two bedrooms, two and a half baths, a living room area, a laundry room, covered lanai areas, a bale with a hot tub, a carport, a 500 square foot swimming pool, and a 40 square foot detached outdoor cooking structure. . A septic tank and leach field will be located on south western side of the property. A below ground septic tank and associated leach field absorption bed will be located to the south of the proposed SFR and over 226 feet away from the pali, therefore, limiting the potential for discharge into near-shore waters. Staff notes that the DOH requires septic systems to be located no closer than 50 feet from any body of water.

During construction, BMPs will be observed and implemented. Within the Environmental Assessment, the applicant has identified a number of mitigative measures, conditions, and practices to ensure that the proposal will have minimal effect on the natural resources that may be impacted by the proposed project. As such, these proposed measures, conditions and practices are incorporated into the permit. In addition, the proposed SFR is consistent with Chapter 13-5, Hawaii Administrative Rules, Exhibit 4, Single Family Residential Standards.

This area along the Hāmākua coastline includes both Agricultural and Conservation District land, with a mixture of small residential neighborhoods and larger lots used for agricultural purposes. The proposed structure is similar in scale to many of the neighboring homes and the structure has been designed to comply with the Single Family Residential Standards as outline in HAR, Chapter 13-5. Further an SFR was previously approved on March 28, 2008 by the Board to be built on Parcel 29 (CDUP HA-3448). Therefore, Staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

RECOMMENDATION

That the Board of Land and Natural Resources APPROVE Conservation District Use Application HA-3767 for a Single Family Residence (SFR) and Related Improvements located at Wailea, South Hilo, island of Hawai'i, TMKs (3) 2-9-003:060 and portion of 029, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable department of health administrative rules;
4. The single family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;
5. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;

6. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
7. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
8. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
9. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
10. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
11. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
12. The permittee shall utilize Best Management Practices for the proposed project;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
14. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules, Chapter 13-5;
15. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
16. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
17. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;


18. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
19. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
20. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
21. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
22. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries. All exterior lighting shall be shielded to protect the night sky;
23. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
24. Any landscaping will shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
25. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

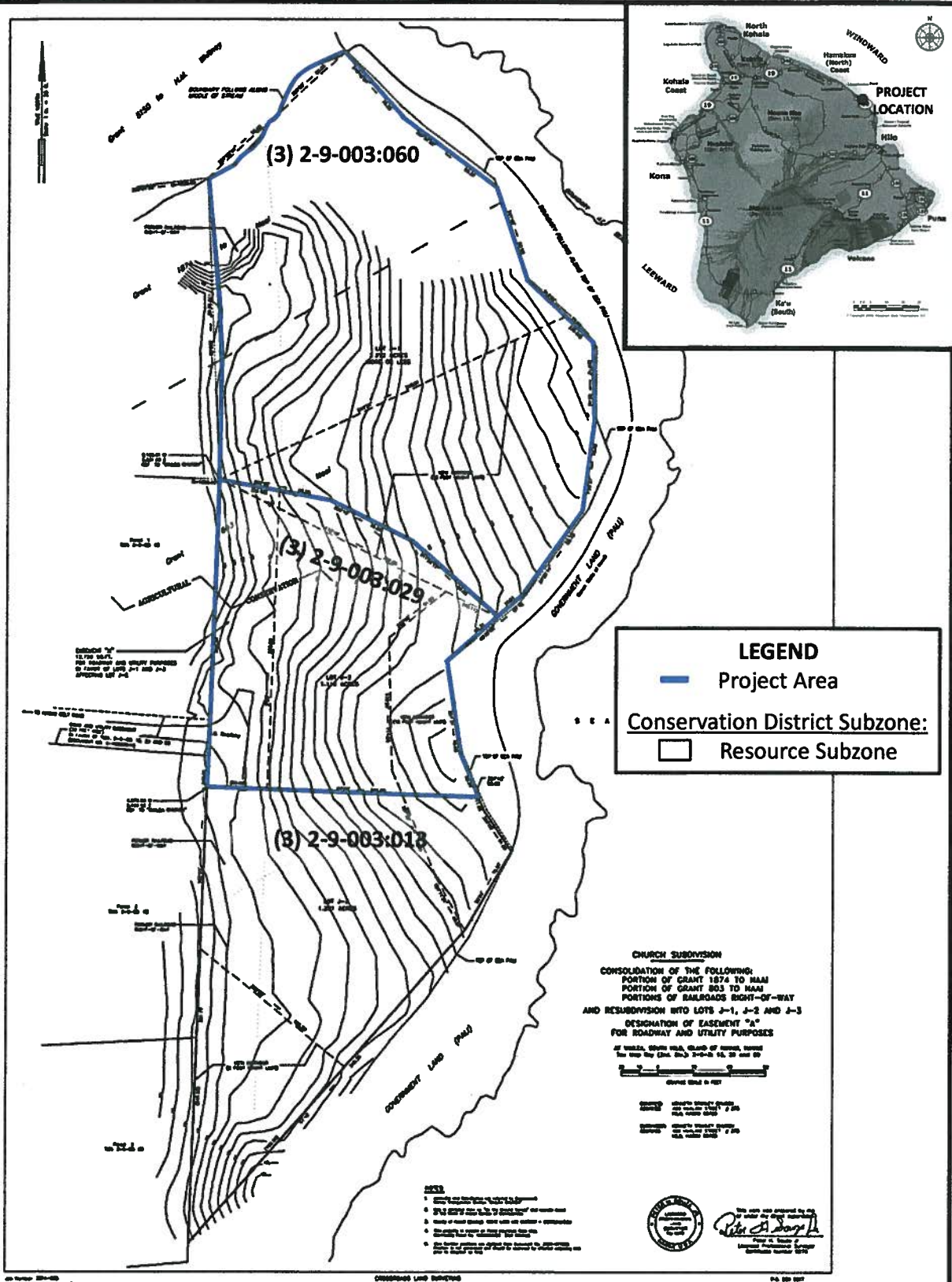
Respectfully submitted,



Lauren Yasaka, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:

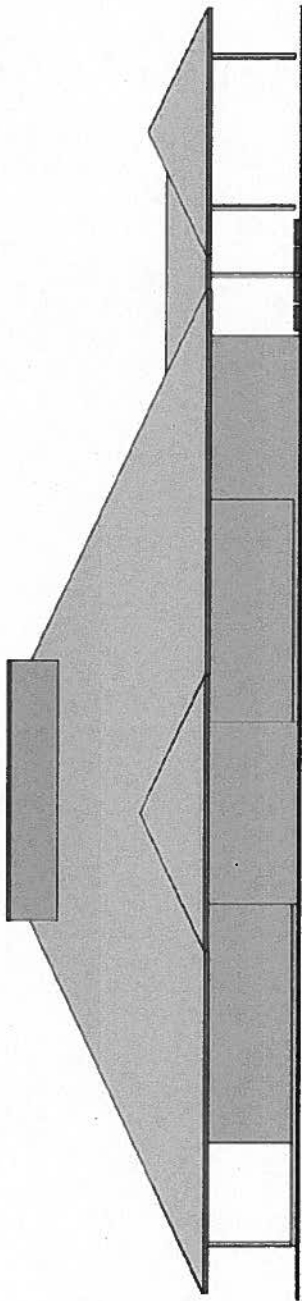

SUZANNE D. CASE., Chairperson
Board of Land and Natural Resources



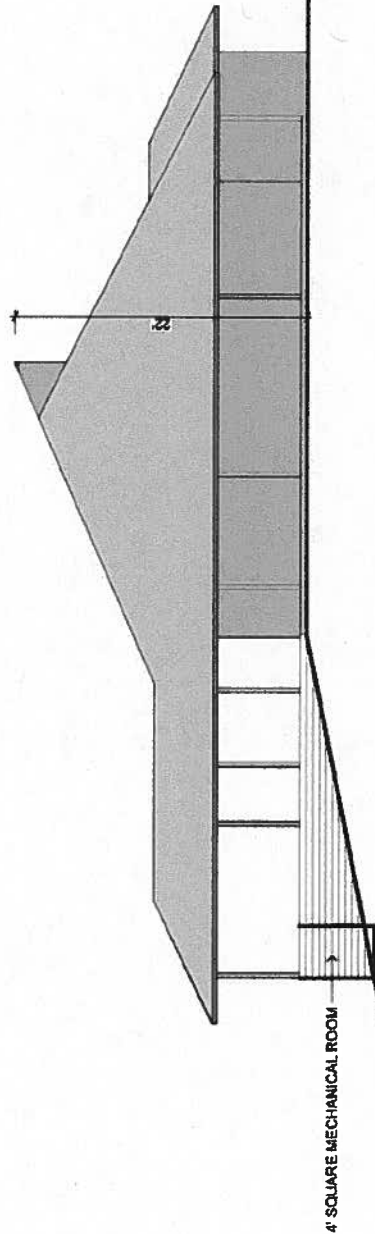
CONSERVATION DISTRICT SUBZONE MAP/LOCATION MAP



EXHIBIT 2

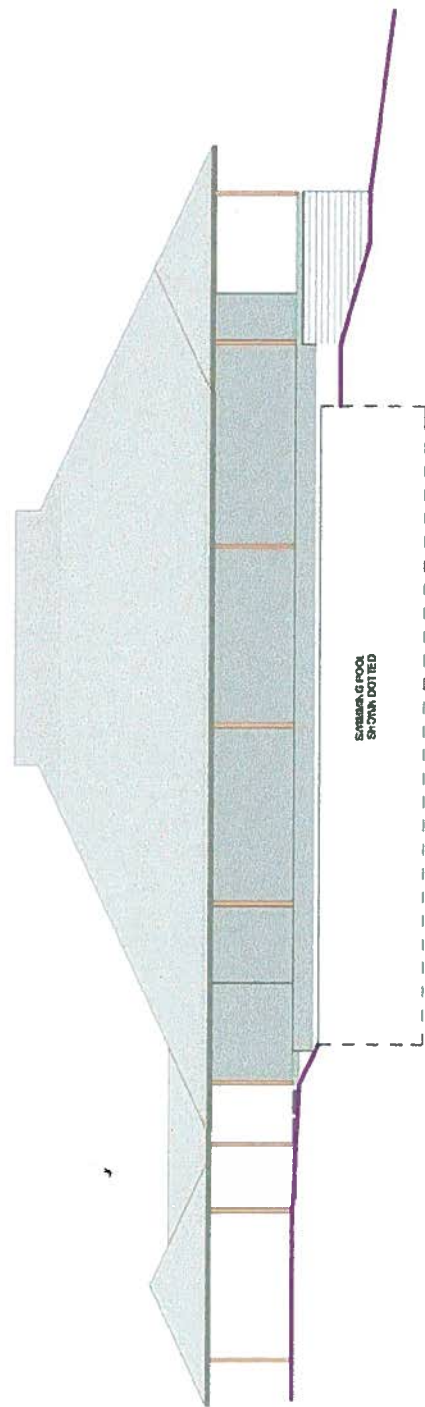


North Elevation 1" = 10'



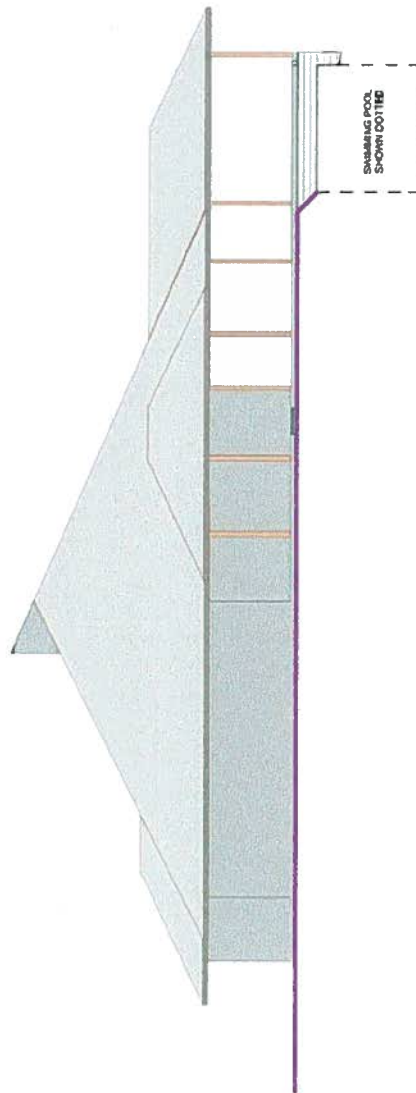
East Elevation 1" = 10'

ELEVATION DRAWINGS



1" = 10'

South Elevation



1" = 10'

West Elevation

ELEVATION DRAWINGS

